REMARKS

Previous Response and Request for Reconsideration

Applicants filed a Response and Request for Reconsideration on April 21, 2009, concurrently with a Notice of Appeal and Petition for Extension of Time for Four Months. No Advisory action has issued to date. Applicants believe the amendments and remarks contained in that Response have not been entered by the Examiner. The amendments and remarks contained herein are the same as those previously submitted, but not yet entered.

Status of the Claims

Claims 1-19 are pending in the application. Claims 1-19 are objected to because of an informality. Claims 1-5, 8, 9, 12, 13, 15, 16, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco (U.S. 2005/0166224) in view of Klosterman et al. (U.S. 2001/0013124). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Ten Kate et al. (U.S. 6,601,237). Claims 7, 10, 11, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Picco et al. (U.S. 6,029,045). Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Kunkel et al. (U.S. 2002/0056093).

Independent claims 1, 16, and 19 and dependent claims 8, 10, 12, and 13 are amended herein. Applicants respectfully request reconsideration in light of the remarks presented below.

Objections

Claims 1-19 are objected to because the phrase "the personalized advertisement" lacks antecedent basis. Applicants have amended independent claims 1, 16, and 19 and dependent claims 8, 10, 12, and 13 to correct antecedent basis. Applicants submit that no new matter is entered by these amendments. Applicants respectfully request that the objections to claims 1-19 be withdrawn.

Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman

Claims 1-5, 8, 9, 12, 13, 15, 16, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. Applicants respectfully disagree.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. MPEP § 2141. If the Examiner does not produce a *prima facie* case, Applicants are under no obligation to submit evidence of nonobviousness. MPEP § 2142. The Office action makes conclusory statements and fails to provide any objective evidence from the prior art or elsewhere that shows that the subject matter recited in independent claims 1, 16, and 19 would have been obvious to a person having ordinary skill in the art. Applicants respectfully submit that the Office action does not set forth a *prima facie* case, and that independent claims 1, 16, and 19 would not have been obvious to a person having ordinary skill in the art.

As admitted in the Office action, Ficco does not disclose simultaneously transmitting a plurality of data streams. However, the Office action further states that Klosterman discloses simultaneously broadcast television channels, and that it would have been obvious to combine Ficco and Klosterman "in order to save storage space." (Office action at page 5.) Applicants respectfully disagree. Neither Ficco nor Klosterman are concerned with saving storage space. For example, Ficco states that "the number of ad segments stored in memory device 20 may comprise *hundreds, thousands, or more advertisements* and be broken down into a variety of categories having a variety of organizational structures *that permit selection by the ad selection factor* and multiplexer 40." Ficco at Paragraph [0043] (emphasis added). Klosterman notes that "modern television sets are equipped with sophisticated and powerful programmable microprocessors and provide significant Random Access Memory ("RAM") and Read Only Memory ("ROM")." Klosterman at Paragraph [0007]. Further, neither Ficco nor Klosterman disclose a relationship between storage space and simultaneous data stream transmission. There is simply no evidence in either reference that minimizing storage was contemplated, or even desired, in the respective inventions. Thus, because neither Ficco nor Klosterman are concerned with saving storage space, and because neither reference discloses any sort of a relationship between storage space and simultaneous data stream transmission, one of ordinary skill in the art would not be motivated to combine Ficco and Klosterman.

Applicants respectfully submit that independent claims 1, 16 and 19 are patentably distinct and in condition for allowance. Applicants further submit that dependent claims 2-15 and 17-18, by virtue of depending from allowable base claims, are also in condition for allowance.

Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman and Ten Kate

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Ten Kate et al. Applicants respectfully disagree. As explained above, because independent claim 1 is not obvious, dependent claim 6 cannot be obvious. Applicants respectfully submit that claim 6, by virtue of its dependence from an allowable base claim, is in condition for allowance.

Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman and Picco

Claims 7, 10, 11, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Picco et al. Applicants respectfully disagree. As explained above, because independent claims 1 and 16 are not obvious, dependent claims 7, 10, 11, and 17 cannot be obvious. Applicants respectfully submit that claims 7, 10, 11, and 17, by virtue of their dependence from allowable base claims, are in condition for allowance.

Rejections – 35 U.S.C. § 103(a) – Ficco in view of Klosterman and Kunkel

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ficco in view of Klosterman et al. and further in view of Kunkel et al. Applicants respectfully disagree. As explained above, because independent claim 1 is not obvious, dependent claim 14 cannot be obvious. Applicants respectfully submit that claim 14, by virtue of its dependence from an allowable base claim, is in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that all claims are in condition for allowance and respectfully request favorable action by the Examiner in the form of a Notice of Allowance.

If a telephonic interview would expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

Date: June 22, 2009
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